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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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MICHAEL WARREN COX, JR., #20960-078 §

*versus*

UNITED STATES OF AMERICA

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CIVIL ACTION NO. 4:18-CV-236  
CRIMINAL ACTION NO. 4:13-CR-266(02)

**ORDER OF DISMISSAL**

The above-styled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation concluding that Movant's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 should be denied. Movant has filed objections.

Movant alleges that he is entitled to relief based on ineffective assistance of trial counsel. He has not shown, however, that his attorney's representation was deficient or that he was prejudiced by deficient representation, as required by *Strickland v. Washington*, 466 U.S. 668, 688 (1984). The Court specifically observes that Movant cannot show prejudice in light of the Fifth Circuit's finding that there was "strong" evidence against him. *United States v. Cox*, 672 F. App'x 517, 518-19 (5th Cir. 2017).

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Movant to the Report, the Court concludes that the findings and conclusions of the Magistrate Judge are correct and the objections of Movant are without merit.

It is accordingly **ORDERED** that the Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 is **DENIED**, and the case is

**DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All motions by either party not previously ruled upon are **DENIED**.

**Signed this date**

Aug 16, 2019

A handwritten signature in black ink that reads "Marcia A. Crone". The signature is written in a cursive style with a large, stylized 'M' and 'C'.

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE